

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 6490**

**BILL NUMBER:** HB 1781

**DATE PREPARED:** Apr 6, 2001

**BILL AMENDED:** Apr 5, 2001

**SUBJECT:** Alcohol and Controlled Substances.

**FISCAL ANALYST:** Mark Goodpaster

**PHONE NUMBER:** 232-9852

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill specifies that it is a Class B misdemeanor for a person to be: (1) in a public place or a place of public resort; or (2) in or upon public transportation or in a depot, station, or airport; in a state of intoxication caused by the person's use of alcohol or a controlled substance. It requires a person to pay the \$200 alcohol and drug countermeasures fee if a person is charged with an offense under IC 9-30-5, but is convicted, based on a plea bargain approved by the court, of : (1) operating a tractor-trailer combination or other vehicle recklessly; or (2) the person is found to have committed the offense of public intoxication or intoxication upon a common carrier. It removes a provision that requires a person's driving privileges to be suspended by a court or the Bureau of Motor Vehicles before the person is required to pay the Alcohol and Drug Countermeasures Fee.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** This bill expands the definition of intoxication to include controlled substances (offenses under which are a Class B misdemeanor). The bill also adds offenses to the types of actions for which the \$200 Alcohol and Drug Countermeasures Fee is collected: operating a tractor-trailer combination or other vehicle recklessly under the influence of alcohol or a controlled substance, and public intoxication or intoxication upon a common carrier that involve the operation of a vehicle.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

This bill also adds offenses for which the \$200 Alcohol and Drug Countermeasures Fee is to be collected. Consequently, revenue to the State User Fee Fund and county drug-free community funds should increase. According to the BMV, the number of convictions that occur under the additional offenses provided in the bill is not known. Of the \$200, 25% is distributed by the court clerks to the State Auditor for deposit in the State User Fee Fund, and 75% is distributed to the county auditor for deposit in the county drug-free community fund.

*Background:* The offenses added to the types of actions for which the \$200 Alcohol and Drug Countermeasures Fee is collected by the court clerk include the following: (1) operating a tractor-trailer combination or other vehicle recklessly under the influence of alcohol or a controlled substance; and (2) public intoxication or intoxication upon a common carrier that involved the operation of a vehicle.

Of the amounts deposited into the State User Fee Fund (described above), \$1,087,500 is distributed semi-annually as follows:

- (1) 17.73% into the Alcohol and Drug Countermeasures Fund.
- (2) 9.97% into the Drug Interdiction Fund.
- (3) 5.54% into the Drug Prosecution Fund.
- (4) 6.65% into the Corrections Drug Abuse Fund.
- (5) 26.60% into the State Drug Free Communities Fund.
- (6) 9.45% to the Indiana Department of Transportation.
- (7) 24.06% in the Family Violence and Victim Assistance Fund.

The balance in the account is distributed to the Indiana Safe Schools Fund.

The county drug-free community fund is used to promote comprehensive local alcohol and drug abuse prevention initiatives by supplementing local funding for treatment, education, and criminal justice efforts.

**Explanation of Local Expenditures:** A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Auditor.

**Local Agencies Affected:** Trial courts, local law enforcement agencies, local units that receive distributions from the State User Fee Fund and county drug-free community funds.

**Information Sources:** Bureau of Motor Vehicles.